

08-10 - 06

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor : Rumiko Kikuta  
U. S. Patent No. : 6,967,928  
Serial No. : 09/528,822  
Issued : November 22, 2005  
For : INTERNET TELEPHONY SYSTEM

Certificate  
AUG 14 2006  
of Correction

August 9, 2006

Director of the U.S. Patent and  
Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR A CERTIFICATE OF CORRECTION**

SIR:

We request a Certificate of Correction under 37 C.F.R. 1.322, to correct **Claim 1** which was incorrectly listed at column 10, line 4, as: "... network while restricting the maximum ...." Please change the same to read: "... network while changing the maximum ...."

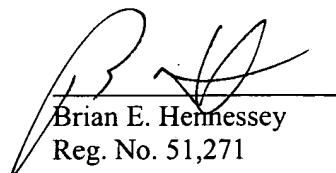
Please also correct claim 8 which was incorrectly listed at column 10, line 64, as: "... network while restricting the maximum ...." Please change the same to read: "... network while changing the maximum ...."

Attached, please find a copy of the Amendment filed on March 3, 2004, which was entered upon filing the Request for Continued Examination filed on April 27, 2004.

**This was due to an error made by the USPTO.**

Any fee due as a result of this paper, may be charged to Deposit account No.50-1290.

Respectfully submitted,



Brian E. Hennessey  
Reg. No. 51,271

**Customer No.: 026304**  
KATTEN MUCHIN ROSENMAN LLP  
575 Madison Avenue, 15<sup>th</sup> Floor  
New York, NY 10022-2585  
(Tel) 212-940-8800  
Docket No.: FUJY 17.159 (100794-11370)

Filed by Express Mail  
(Receipt No. FY132683512WS)  
on 08/09/06  
pursuant to 37 C.F.R. 1.10.  
by [Signature]

AUG 15 2006

(Also Form PTO-1050)

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,967,928

DATED : 11/22/2005

INVENTOR(S) : Rumiko Kikuta

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Claim 1 column 10, line 4: "-restricting-" should be changed to "--changing--".

Claim 8 column 10, line 64: "-restricting-" should be changed to "--changing--".

MAILING ADDRESS OF SENDER:

**Katten Muchin Rosenman LLP**  
575 Madison Avenue  
New York, New York 10022-2585

PATENT NO. 6,967,928

No. of additional copies

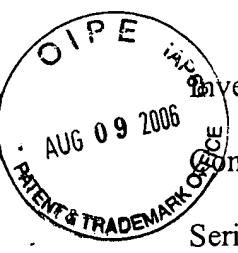


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AUG 15 2006

Attorney Docket No.: FUJY 17.159 (100794-11370)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



Applicant: RUMIKO KIKUTA

Confirmation No.: 6311

Serial No.: 09/528,822

Filed: March 20, 2000

Title: INTERNET TELEPHONY SYSTEM

Examiner: TIMOTHY L. LEE

Group Art Unit: 2697

April 27, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR EXTENSION OF TIME**

Sir:

Applicant requests that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for:

( ) one month                    (x) three months  
( ) two months                    ( ) four months

The fee set in 37 CFR 1.17 for the extension of time is \$840. (the difference between the third and one month extension fee).

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EL979034161US

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on 4-27-2004  
pursuant to 37 C.F.R. 1.10.  
By Frances Doyle

11181945.01

APR 15 2006

Applicant is a small entity entitled to pay reduced fees in this application.

A verified small entity statement:

has been filed  is enclosed.

Also enclosed is a:

Response  Notice of Appeal  Appeal Brief  RCE

Respectfully submitted,

  
\_\_\_\_\_  
Brian S. Myers  
Reg. No. 46,947

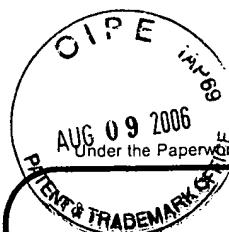
CUSTOMER NUMBER 026304

Telephone: (212) 940-8703

Fax (212) 940-8986

Docket No.: FUJY 17.159 (100794-11370)

BSM:fd



**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/528,822
Filing Date	March 20, 2000
First Named Inventor	RUMIKO KIKUTA
Art Unit	2662
Examiner Name	TIMOTHY L. LEE
Attorney Docket Number	FUJY 17.159

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**

a.  Previously submitted  
i.  Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on March 3, 2004.  
(Any unentered amendment(s) referred to above will be entered).  
ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
iii.  Other \_\_\_\_\_

b.  Enclosed  
i.  Amendment/Reply  
ii.  Affidavit(s)/Declaration(s)      iii.  Information Disclosure Statement (IDS)  
iv.  Other Extension of Time

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1290  
i.  RCE fee required under 37 CFR 1.17(e)  
ii.  Extension of time fee (37 CFR 1.136 and 1.17)  
iii.  Other \_\_\_\_\_

b.  Check in the amount of \$ \_\_\_\_\_ enclosed  
c.  Payment by credit card (Form PTO-2038 enclosed)

Filed by Express Mail  
(Receipt No. 2004091903416)  
on 4-27-2004  
pursuant to 37 CFR 1.10,  
by Brian S. Myers

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	<b>Brian S. Myers</b>	Registration No. (Attorney/Agent)	<b>46,947</b>
Signature		Date	April 27, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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AUG 15 2004



**KMZ Rosenman**  
KATTEN MUCHIN ZAVIS ROSENMAN

575 Madison Avenue  
New York, NY 10022-2585  
212.940.8800 office 212.940.8776 fax

## Facsimile

To	Company	Fax Number	Phone Number
1    Examiner Timothy L. Lee	USPTO - GAU 2697 Re: 09/528,822 Confirmation No.: 6311	1-703-872-9306	

Date Client/Matter Number  
**March 3, 2004 FUJY 17.159 (100794-11370)**

From Attorney Number  
**Brian S. Myers 20095**

Phone Fax  
**212.940.8703 212.940.8986 or 8987**

Total number of pages, including cover letter: 10  
If you do not receive all of the pages, please call: (212) 940-8755

### Comments

### \*\* EXPEDITED PROCEDURE \*\*

Enclosed:

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**8 pages - AMENDMENT**

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Frances Doyle  
Frances Doyle

Signature Frances Doyle  
Date March 3, 2004

Attorney Docket No.: FUJY 17.159 (100794-11370)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: RUMIKO KIKUTA

Serial No.: 09/528,822

Filed: March 20, 2000

Title: INTERNET TELEPHONY SYSTEM

Examiner: TIMOTHY L. LEE

Group Art Unit: 2697

March 3, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR EXTENSION OF TIME**

Sir:

Applicant requests that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for:

(x) one month               ( ) three months  
( ) two months             ( ) four months

The fee set in 37 CFR 1.17 for the extension of time is \$110.00.

(xx) Charge fee to Deposit Account No. 50-1290.

Respectfully submitted,

Brian S. Myers  
Brian S. Myers  
Reg. No. 46,947

CUSTOMER NUMBER 026304

Telephone: (212) 940-8703

Fax (212) 940-8986

Docket No.: FUJY 17.159 (100794-11370)

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Frances Doyle  
Frances Doyle  
Signature Frances Doyle  
Date March 3, 2004

Attorney Docket No.: FUJY 17.159 (100794-11370)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: RUMIKO KIKUTA

Serial No.: 09/528,822

Filed: March 20, 2000

Title: INTERNET TELEPHONY SYSTEM

Examiner: TIMOTHY L. LEE

Group Art Unit: 2697

March 3, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**A M E N D M E N T**

SIR:

Applicant hereby petitions for a one-month extension of time, a petition pursuant to 37 C.F.R. 1.136(a) and authorization to charge the requisite fee being enclosed.

In response to the Office Action dated November 3, 2003, please amend the subject application as follows:

FAXED 3/3/2006

AMENDMENTS TO THE CLAIMS

1.(currently amended): An Internet telephone system having an Internet network for transferring voice information in the form of a voice packet which is transmitted from a voice communications terminal incorporating a voice communications function, and transferring data in the form of a data packet which are transmitted from a data communications terminal incorporating a data communications function, said system comprising:

a first detecting unit for detecting a transition of a call-out state of said voice communications terminal;

a packet assembling unit for assembling, when said first detecting unit detects the transition of the call-out state of said voice communications terminal, a control packet containing indication information for changing, to a predetermined limit value, a maximum length of each of the data packets transferred via said Internet network; and

a first routing unit for routing, when receiving the control packet containing the indication information, each of the data packets and the voice packet to said Internet network while ~~restricting~~ changing the maximum length of the data packet to the predetermined limit value.

2.(original): An Internet telephony system according to claim 1, further comprising a second routing unit for preferentially routing the voice packet to said Internet network under the condition that said first routing unit routes the data packet in accordance with the predetermined limit value.

3.(previously amended): An Internet telephony system according to claim 1, wherein said first routing unit, when receiving the control packet, fragments the data packet having a length exceeding the predetermined limit value in order to route each of the data packets to said Internet network in accordance with the predetermined limit value.

4.( previously amended): An Internet telephony system according to claim 1, further comprising a second detecting unit for detecting an end-of-communications state of said voice communications terminal.

5.(original): An Internet telephony system according to claim 4, wherein when said second detecting unit detects the end-of-communications state of said voice communications terminal, said packet assembling unit assembles a control packet containing indication information in order for said first routing unit to make each of the data packets transferable to said Internet network up to the maximum length.

6.(original): An Internet telephony system according to claim 5, wherein each of the voice packet, the data packet and the control packet takes the form of an Internet Protocol packet.

7.(currently amended): An Internet telephony system according to claim 6, wherein said first and second detecting units and said packet assembling unit are provided in a gateway for converting the voice information transmitted from said voice communications terminal into a packet in accordance with the Internet Protocol, and

    said first routing unit and a second routing unit are provided in a router for routing

the Internet Protocol packet to said Internet network.

8.(currently amended): A method of controlling a packet transfer in an Internet telephone system having an Internet network for transferring voice information in the form of a voice packet which is transmitted from a voice communications terminal incorporating a voice communications function, and transferring data in the form of a data packet which are transmitted from a data communications terminal incorporating a data communications function, said method comprising:

a first step of detecting a transition of a call-out state of said voice communications terminal;

a second step of assembling, when detecting the transition of the call-out state of said voice communications terminal, a control packet containing indication information for changing, to a predetermined limit value, a maximum length of each of the data packets transferred via said Internet network; and

a third step of routing, when receiving the control packet containing the indication information, each of the data packets and the voice packet to said Internet network while restricting changing the maximum length of the data packet to the predetermined limit value.

9.(original): A method of controlling a packet transfer according to claim 8, further comprising a fourth step of preferentially routing the voice packet to said Internet network under the condition that the data packet is routed in accordance with the predetermined limit value in said third step.

10.(previously amended): A method of controlling a packet transfer according to claim 8, further comprising a fifth step of detecting an end-of-communications state of said voice communications terminal.

11.(original): A method of controlling a packet transfer according to claim 10, further comprising a sixth step of assembling, when the end-of-communications state of said voice communications terminal is detected in said fifth step, a control packet containing indication information for making each of the data packets transferable to said Internet network up to the maximum length.

12.(previously added): An Internet telephony system according to claim 1, wherein the predetermined limit value is smaller than the maximum length of the data packet.

13.(previously added): A method of controlling a packet transfer according to claim 8, wherein the predetermined limit value is smaller than the maximum length of the data packet.

## R E M A R K S

Claims 1-13 are pending in the application. Claims 1-13 are rejected.

In claims 1 and 8, to clarify the scope of claims, “restricting” has been amended to “changing” the maximum length of the data packet to the predetermined limit value.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Engel, et al. (Engel) in view of DePrycker, et al (DePrycker). Claim 3 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Engel, in view of Kikinis (U.S. 6,289,389).

Applicant’s claims 1 and 8 refer to the first routing unit changing a maximum length of each of the data packets to the predetermined limit value and routing the data packets and voice packets that were changed to the Internet network.

The Office Action, in the “response to arguments” section, asserts that the “restricting” may reasonably be understood to mean the system preventing a packet of a certain length from passing through.

Applicant respectfully submits that the amended claim is different from the cited reference because, as pointed out above, applicant’s changing the maximum length of the data packet to the predetermined limit value is different from whether or not the router passes through any packets over a certain length because Applicant’s claim relates to changing (including fragmenting or dividing) the data packet to the predetermined limit value. As previously pointed out this feature is supported by applicant’s specification for example, page 14, lines 11-25 and page 18 starting line 7.

For example, the present invention is characterized by a routing unit changing the maximum length of the data packet to the predetermined limit value, when receiving the control packet containing the indication information for changing a maximum length of each of the data packets to a predetermined limit value and routing the changed packets and voice packets to the Internet network.

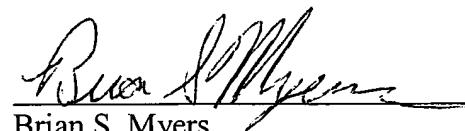
In contrast to the recited “notifying it not to pass through any packets over a certain length.” Applicant claims “while changing the maximum length of the data packet to the predetermined limit value”.

It is respectfully submitted applicant’s claims 1 and 8 recite distinguishing features not suggested nor disclosed in the combination of cited Engel in view of DePrycker. Further the reference Kikinis fails to teach changing the length of a data packet and does not suggest routing via the Internet. Applicant’s dependent claims are likewise in condition for allowance for at least the foregoing reasons and because the each recite additional features.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
\_\_\_\_\_  
Brian S. Myers  
Reg. No. 46,947

CUSTOMER NUMBER 026304

Telephone: (212) 940-8703

Fax: (212) 940-8986/8987

Docket No.: FUJY 17.159 (100794-11370)

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AUG 15 2006

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1 Examiner Timothy L. Lee	USPTO - GAO 2697 Re: 09/528,822 Confirmation No.: 6311	1-703-872-9306	
Date	Client/Matter Number		
March 3, 2004	FUJY 17.159 (100794-11370)		
From	Attorney Number		
Brian S. Myers	20095		
Phone	Fax		
212.940.8703	212.940.8986 or 8987		
Total number of pages, including cover letter: 10 <small>If you do not receive all of the pages, please call: (212) 940-8755</small>			
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AUG 15 2004

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Mar-03-2004 05:10pm From-15 RECP		2129407049	T-602 P.001/010 F-688																																																																																												
<b>KMZ Rosenman</b> <small>LAWYERS MUSKIN ZAVIS ROSENMAN</small> <small>675 Madison Avenue New York, NY 10022-3595 212.940.8800 Direct 212.940.8775 Fax</small>																																																																																															
<b>Facsimile</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">To</td> <td style="width: 30%;">Company</td> <td style="width: 15%;">Fax Number</td> <td style="width: 40%;">Phone Number</td> </tr> <tr> <td>1 Examiner Timothy L. Lee</td> <td>USPTO - GAV 2697</td> <td>1-703-872-9306</td> <td></td> </tr> <tr> <td colspan="4">Re: 09/528,822</td> </tr> <tr> <td colspan="4">Confirmation No.: 6311</td> </tr> <tr> <td>Date</td> <td colspan="3">Client/Matter Number</td> </tr> <tr> <td>March 3, 2004</td> <td colspan="3">FUJY 17.159 (100794-11370)</td> </tr> <tr> <td>From</td> <td colspan="3">Attorney Number</td> </tr> <tr> <td>Brian S. Myers</td> <td colspan="3">20095</td> </tr> <tr> <td>Phone</td> <td colspan="3">Fax</td> </tr> <tr> <td>212.940.8703</td> <td colspan="3">212.940.8986 or 8987</td> </tr> <tr> <td colspan="4" style="text-align: center; font-size: small;">Total number of pages, including cover letter: 10 If you do not receive all of the pages, please call: (212) 940-8755</td> </tr> <tr> <td colspan="4" style="padding-top: 10px;"><b>Comments</b></td> </tr> <tr> <td colspan="4" style="text-align: center; padding-top: 10px;"><b>** EXPEDITED PROCEDURE **</b></td> </tr> <tr> <td colspan="4" style="padding-top: 10px;">Enclosed:</td> </tr> <tr> <td colspan="4" style="text-align: center; padding-top: 10px;"><b>1 page - PETITION FOR EXTENSION OF TIME</b></td> </tr> <tr> <td colspan="4" style="text-align: center; padding-top: 10px;"><b>8 pages - AMENDMENT</b></td> </tr> <tr> <td colspan="2" style="padding-top: 20px;"><b>For Messenger Department Use Only</b></td> <td colspan="2" style="padding-top: 20px;"><b>Important</b></td> </tr> <tr> <td colspan="2">Your fax has been sent. Attached is your original.</td> <td colspan="2"> <p>This facsimile transmission contains information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and exempt from disclosure under applicable law.</p> <p>If you are not the intended recipient (or an employee or agent responsible for delivering this facsimile transmission to the intended recipient), please do not read, copy, print, forward, distribute or otherwise disclose this information. 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Lee	USPTO - GAV 2697	1-703-872-9306		Re: 09/528,822				Confirmation No.: 6311				Date	Client/Matter Number			March 3, 2004	FUJY 17.159 (100794-11370)			From	Attorney Number			Brian S. Myers	20095			Phone	Fax			212.940.8703	212.940.8986 or 8987			Total number of pages, including cover letter: 10 If you do not receive all of the pages, please call: (212) 940-8755				<b>Comments</b>				<b>** EXPEDITED PROCEDURE **</b>				Enclosed:				<b>1 page - PETITION FOR EXTENSION OF TIME</b>				<b>8 pages - AMENDMENT</b>				<b>For Messenger Department Use Only</b>		<b>Important</b>		Your fax has been sent. 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